

OGLESBY GROCERY COMPANY *v.* UNITED
STATES.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF GEORGIA.

No. 457. Argued October 19, 20, 1920.—Decided February 28, 1921.

Decided upon the authority of *United States v. Cohen Grocery Co.*,
ante, 81.

264 Fed. Rep. 691, reversed.

WRIT of error to a conviction and sentence under § 4
of the Food Control Act, for selling sugar for excessive
prices.

Mr. Edgar Watkins for plaintiff in error.

The Solicitor General for the United States.

MR. CHIEF JUSTICE WHITE delivered the opinion of
the court.

The plaintiff in error is here to reverse a verdict and
sentence against it on an indictment containing four
counts charging it with four separate violations of the
fourth section of the Lever Act. At the close of all the
testimony it requested the court to charge the jury that
the provisions of that section relied upon were repugnant
to the Constitution of the United States, on the grounds,
among others, which were held to be sound in the *Cohen
Grocery Co. Case*, this day decided, *ante*, 81.

It is therefore unnecessary for us to do more than to
apply to this case the rulings made in the *Cohen Case*,
and, in consequence of doing so, to reverse the judgment

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Counsel for Plaintiffs in Error.

with directions to set aside the sentence and quash the indictment, and it is so ordered.

Reversed.

MR. JUSTICE PITNEY and MR. JUSTICE BRANDEIS
concur in the result.

MR. JUSTICE DAY took no part in the consideration
or decision of this case.